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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,864	10/19/2005	Serge Le Cocq	33900-176PUS	6674
27799	7590	12/03/2008	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE LLP			SAAD, ERIN BARRY	
551 FIFTH AVENUE				
SUITE 1210			ART UNIT	PAPER NUMBER
NEW YORK, NY 10176			1793	
			MAIL DATE	DELIVERY MODE
			12/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,864	LE COCQ ET AL.	
	Examiner	Art Unit	
	ERIN B. SAAD	1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 October 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5, 7-9 and 15-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 16 is/are allowed.
 6) Claim(s) 1-5, 7-9 and 15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 17 June 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

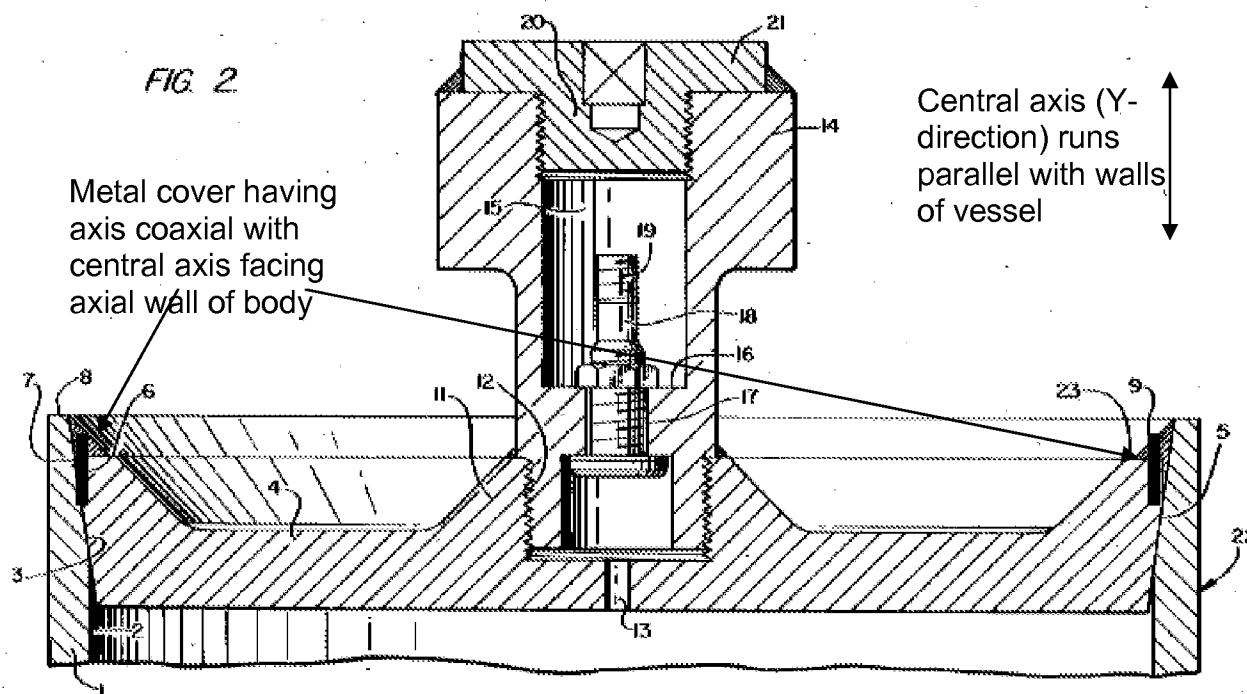
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3 and 7-9 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder et al. (4,673,814).

Regarding claims 1 and 9, Schroeder et al. discloses a method of welding a metallic cylindrical shaped vessel with circular top for holding radioactive waste (abstract). Schroeder discloses a vessel 1 with walls with a central axis, a base with at least one axial wall parallel to the central axis, and a top open end where a metallic cover 4 is docked on a seating surface/docking 3 (col. 3 lines 1-8; figure 1). Schroeder discloses a metal cover with an axis coaxial with the top end of the body where the walls of the cover are parallel to the body axis (figure 2 and below). The welding of the cover to the container takes place in a hostile environment since the material being sealed is radioactive. Schroeder discloses the use of a remote controlled fillet welding operation for sealing radioactive material in a container (column 3 lines 52-60). While it is not stated that the weld is continuous, to one skilled in the art at the time of the invention it would have been obvious to have a continuous weld as such is an art

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recognized effective way to provide tight seal to thereby ensure that the container is "safely sealed with a high impermeability to gas" and prevent any leakage (col. 3 lines 53-60).



Regarding claim 2, Schroeder et al. has a seating surface/docking guide 3 on the inside of the vessel 1.

Regarding claim 3, Schroeder discloses that a radial force is exerted on the vessel wall while performing a fillet weld (column 4 lines 51-63). While this doesn't specifically state that it is welded without spot welding, to one skilled in the art at the time of the invention it would have been obvious to not use spot welding to ensure a continuous seal to create a leak proof container.

Regarding claim 7, While Schroeder does not mention the position of the vessel during welding, to one skilled in the art at the time of the invention it would have been

obvious to have the vessel in the vertical position to prevent the radioactive contents in the container from leaching out.

Regarding claim 8, Schroeder discloses that the cover is placed on the seating surface/docking guide 3. Schroeder discloses a remotely-controlled programmed robot and automatic welding equipment which would allow the welding head to be rotated around the said container at the level of the ends of the walls maintained in contact.

Regarding claim 15, Schroeder does not disclose nuclear waste as being the hazardous material. However, Schroeder does state radioactive material or materials damaging to living organisms (column 1 lines 29-37). To one skilled in the art at the time of the invention it would have been obvious to use the container for nuclear waste because nuclear waste is a material that is damaging to living organisms.

3. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder et al. (4,673,814) and applied to claim 1 above, and further in view of Gordon (4,831,233)

Regarding claim 4 and 5, Schroeder discloses the use of gas-shielded arc welding to weld the cover onto the vessel. Schroeder does not specifically state plasma jet welding. However, Gordon does state the use of tungsten inert gas welding as a remote controlled welding operation (column 1 lines 12-16). It is commonly known in the art that tungsten inert gas welding (TIG) is a form of plasma jet welding. While Gordon doesn't specifically state that no filler metal was used, it is known in the art that tungsten inert gas welding does not require filler metal. To one skilled in the art at the

time of the invention it would have been obvious to use tungsten inert gas, as stated by Gordon, for the weld on the vessel because an inert gas such as tungsten provides greater control over the weld and has a strong, high quality weld needed to prevent leakage between the cover and body.

Allowable Subject Matter

5. Claim 16 is allowed.
6. The following is an examiner's statement of reasons for allowance: the Prior Art of record failed to teach or suggest all the limitations of claim 16 including a docking guide having a groove where the groove included degassing chimney.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

1. Applicant's arguments filed 10/21/2008 have been fully considered but they are not persuasive.
2. The newly amended claim 1 stands rejected over Schroeder et al. Schroeder discloses a metal body having a central axis with a cylindrical shape, a body having a

base with one axial wall parallel to the central axis, and a top open axial end.

Schroeder discloses a metal cover having an axis coaxial with the central axis (at the top portion of the cover) and at least one end wall parallel to the central axis. The metal cover faces the axial wall of the body (see the labeled figure above and figure 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIN B. SAAD whose telephone number is (571)270-3634. The examiner can normally be reached on Monday through Thursday from 8am-5pm Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Ward can be reached on (571) 272-1223. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. B. S./
Examiner, Art Unit 1793
12/1/2008

/Kiley Stoner/
Primary Examiner, Art Unit 1793